

## PRECONSTRUCTION CONFERENCE CHECKLIST

*Bigfork Stormwater Project - Grand Dr.*  
*2/16/11*

### PRE-CONFERENCE PLANNING

- ✓ 1. *AP*  
*2/16/11* Identify, and notify conference participants of the time and place of the preconstruction conference (Completed via posting on the Flathead County webpage, letter from Commissioner Holmquist to land owners, emails, personal notifications)
- ✓ 2. *AP*  
*2/16/11* Prepare the materials that will be needed for the conference. (Completed- See Pre-construction Meeting package)
- ✓ 3. *AP*  
*2/16/11* Organize the materials into individual packets for each conference participant. (Completed- See Pre-construction Meeting package)

### PRECONSTRUCTION MODEL AGENDA

- ✓ 1. *AP*  
*2/16/11* Identify the official representatives of participating organizations, including names, titles, business addresses, and telephone numbers for official roster

#### Flathead County:

Debbie Pierson : Grant Administrator – (406-758-2467)  
800 South Main Street, Kalispell, MT 59901

David Prunty: Public Works Director – (406-758-5790)  
1249 Willow Glen Drive, Kalispell, MT 59901

#### Funding Agencies:

Lindsay Volpe: Program Specialist – (406-444-9766  
MT Dept of Natural Resources & Conservation  
Conservation and Resources Development  
1625 11<sup>th</sup> Avenue  
P.O. Box 201601  
Helena, MT 59620-1601

Valerie Short : Program Specialist (406-841-2787)  
MT Dept of Commerce  
Treasure State Endowment Program (TSEP)  
301 South Park Avenue  
P.O. Box 200523  
Helena, MT 59620-0523



Engineer - 48 North P.C.

Brett Walcheck PE: Project Engineer – (406-756-4848)  
151 Business Center Loop, Ste. A  
Kalispell, MT 59901

Contractor - Nelcon Inc.

Sam Weyer: Project Superintendent – (406-758-8560)  
304 Jellison Road, Kalispell, MT 59903

(See meeting sign in sheet for all attending participant's and contact information)

✓ 2/14/11

**Describe the responsibilities of the engineer, or architect, if applicable**

Engineer will be Owner's representative during the construction period. The duties and responsibilities and the limitations of authority of Engineer as Owner's representative during construction are set forth in the Contract Documents and include: Project Representative, Site Visits & Observation, Authorize Minor Variation in the work, Reject Defective Work, and Coordinate between the Owner and the Contractor.

Engineer will not supervise, direct, control, or have authority over or be responsible for Contractor's means, methods, techniques, sequences, or procedures of construction, or the safety precautions and programs incident thereto, or for any failure of Contractor to comply with Laws and Regulations applicable to the performance of the Work. Engineer will not be responsible for Contractor's failure to perform the Work in accordance with the Contract Documents.

✓ 3/14/11

**Engineer: 48 North P.C. – Brett Walcheck, P.E. (406-756-4848)**

**Describe the responsibilities of the TSEP recipient (local government's grant administrator)**

The Flathead County Grant Support office will be responsible for overall funding administration and project coordination in compliance with applicable federal and state requirements. The Grant Administrator will serve as the county's liaison with the funding agencies for the project. Duties include, but are not limited to, maintaining project files, processing invoices for payment, preparing project progress reports, submitting grant fund requests, monitoring labor standards and compliance with Davis Bacon wage determinations.

**Funding Administrator: Flathead County - Debbie Pierson: (406-758-2467)**



✓ 4. ~~AP~~  
2/16/11

**Describe the responsibilities of the contractor, including documentation of compliance with prevailing wage and equal employment opportunity requirements**

Contractor shall supervise, inspect, and direct the Work competently and efficiently, devoting such attention thereto and applying such skills and expertise as may be necessary to perform the Work in accordance with the Contract Documents. Contractor shall be solely responsible for the means, methods, techniques, sequences, and procedures of construction.

**Contractor: Nelcon Inc. - Sam Weyers (406-758-8560)**

✓ 5. ~~AP~~  
2/16/11

**Outline and discuss contract terms**

The agreement between the Owner and the Contractor consist of ten (10) articles, which define the Work, the Project, Contract Times, Contract Price, Payments, Contract Documents, and other pertinent items. Project manual & contract documents are on file and can be viewed at Flathead County or 48 North P.C.

✓ 6. ~~AP~~  
2/16/11

**Outline and discuss schedule for construction completion**

In accordance with the Agreement dated November 9, 2010 work will commence work upon approval from the Owner and is to complete the Work within 80 consecutive calendar days thereafter. The owner can extend calendar days due to inclement weather or suspension of work.

✓ 7. ~~AP~~  
2/16/11

**Describe responsibilities of subcontractors**

The Subcontractor has a direct contract with the Contractor for the performance of a part of the Work at the Site. Although the Contractor is solely responsible for all acts and omissions by the Subcontractor, the Subcontractor must adhere to all the requirements that are defined per the agreement, including but not limited to prevailing wage rates (Davis Bacon), civil rights requirements, and compliance with local, state, and federal requirements.



✓ 8. **Describe project inspection procedures (responsibilities of TSEP recipient (local government's grant administrator), and engineer or architect)**

Throughout the construction period, the Owner/Engineer will monitor the Contractor for performance with the projects technical specifications and for compliance with all state and local standards and the terms of the contract.

Performance Monitoring includes but not limited to the following:

- General supervision, including identifying the need for any construction adjustments, preparation of contract amendments, and major changes to construction schedule.
- Quality control to the extent necessary to ensure compliance with technical specifications and conformance with codes and standards.
- Quality control as needed to ensure that the contractor is providing materials and products consistent with the quantities identified in the design and specifications.
- Certifications of pay estimates and evidence that the contractor has made payments to the subcontractors or suppliers.
- On-site inspections to ensure that required notices and copies of the prevailing wage rates are posted and easily accessible to workers.
- Comparison of weekly payroll reports to the required prevailing wage rates.
- Interviews with the construction employees.

✓ 9. **Forms and information the contractor must submit**  
(Forms Attached – See Exhibit "A")

- \_\_\_\_ Contractor's Receipt of Required Program Materials (Exhibit 6-D)
- \_\_\_\_ Certified Payroll Forms (WH-347) (Exhibit 6-E.1), or equivalent
- \_\_\_\_ Statement of Compliance with Labor Standards and Prevailing Wage Requirements (WH-348) (Exhibit 6-E.2)
- \_\_\_\_ Copy of the approved plan or program (if fringe benefits will not be paid in cash).
- \_\_\_\_ Apprenticeship or training program agreement (if any apprentices will be working on the project).
- \_\_\_\_ Names of persons authorized to sign payrolls
- \_\_\_\_ Names of all subcontractors



**EXHIBIT "A"**  
**FORMS AND EXHIBITS FROM #9**



## EXHIBIT 6-C

### PRECONSTRUCTION CONFERENCE PLANNING GUIDE SUPPLEMENT

#### LABOR AND CIVIL RIGHTS REQUIREMENTS

The TSEP recipient should include the following information concerning compliance with state labor and civil rights requirements during preconstruction conferences for construction projects involving TSEP funds.

#### A. WAGE DETERMINATION AND EMPLOYEE CLASSIFICATION

**Montana's prevailing wage law is applicable to all public works construction contracts awarded by TSEP recipients unless the state's requirements are preempted by the federal Davis-Bacon Act.**

1. Laborers, mechanics, apprentices, and trainees must receive no less than the prevailing wages, plus fringe benefits paid for similar work in the locality. (Conference participants should be provided with a copy of the current state wage determination that has been established by the Montana Department of Labor and Industry (MDLI) and included in the contract document.)
  - a. Workers are covered by Montana prevailing wage law while engaged in working at the site (see definition "site of work").
  - b. Apprentices or trainees may be paid less than journeyman wages, if they are enrolled in an apprenticeship or training program approved by the U.S. Department of Labor (or State Apprentice Council recognized by the Department of Labor's Employment and Training Administration).
  - c. Montana law requires that all contractors and subcontractors working on a public works contract must post the current prevailing wages rates to be paid to employees in a prominent and accessible site on the project or work area not later than the first day of work.
2. If the contractor needs laborers or mechanics whose classifications do not appear on the state wage determination the local TSEP Grant administrator must make a request for an appropriate classification to the MDLI Research and Analysis Bureau (telephone: 444-2430). The MDLI staff will then provide a wage rate determination for the unclassified position.



3. Employees or supervisors working at other than their assigned classifications for 20 percent or more of their time must be paid and shown on the payrolls for each classification or, paid for all hours at the higher wage scale.
4. If the wage determination lists fringe benefits, the contractor must either provide them or pay the hourly equivalent in cash, in addition to the predetermined basic wage.
5. Claims and disputes should be reported in writing to the MDLI Labor Standards Bureau and to the MDOC TSEP staff liaison. Resolution of all claims and disputes must be reported to the MDLI. MDLI may be called upon to investigate and settle claims and disputes, or may enter of their own volition if the need arises.
6. Laborers and mechanics must be paid no less than once per week.

B. WORK HOURS, OVERTIME, AND SAFETY STANDARDS

1. Eight hours is the standard workday, forty hours is the standard workweek.
2. One and one-half times the basic hourly rate of pay, exclusive of fringe benefit payments, must be paid for all hours over forty in a work week. Note that **the basic hourly rate of pay = the base hourly pay rate + zone hourly pay rate**. Fringe is not included in the basic hourly rate of pay when computing overtime.
3. No worker can be required to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health and safety. The Federal Occupational Safety and Health Act of 1970 provides job safety and health protection for workers through the promotion of safe and healthful working conditions throughout the Nation. The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor has the primary responsibility for enforcing the Act. Requirements of the Act include the following:
  - (a) Each employer shall furnish to each of his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to his employees; and shall comply with occupational safety and health standards issued under the Act.
  - (b) Each employee shall comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to his own actions and conduct on the job.



C. DEDUCTIONS

1. Full wages earned must be paid.
2. Permissible withholdings include those for the employee share of medical or hospital care, pensions on retirement or death, life or accident insurance, or other deductions authorized by law and other deductions approved by the employee. Deductions are not permitted for damages, shortages, missing material, etc. unless authorized by court order.

D. CIVIL RIGHTS - EQUAL OPPORTUNITY EMPLOYMENT

1. The prime contractor and all subcontractors must ensure that employees and applicants for employment are not discriminated against because of race, color, national origin, religion, sex, marital status, age or physical or mental handicap.

E. PREFERENCE OF MONTANA LABOR IN PUBLIC WORKS

Unless superseded by federal law, contractors must give preference to the employment of bona fide residents of Montana in the performance of work on public works projects.

F. CONTRACTOR REPORTING REQUIREMENTS

**In conjunction with the previously mentioned labor and civil rights requirements, the prime contractor is required to periodically submit several forms to the TSEP recipient's grant administrator. The prime contractor is fully responsible for providing all reports required from subcontractors.**

1. Each contractor (prime and sub) must submit (through the prime contractor) Certified Payroll Forms (WH-347) for each week from the time the project begins through completion. If the contractor prefers to use a form other than WH-347, it must contain identical information. Weekly payrolls should be numbered sequentially, and be submitted to the TSEP recipient no later than seven days following the end of the pay period. (Exhibit 6-E contains a blank Certified Payroll Form WH-347 and a completed example of WH-347.)
2. A completed Statement of Compliance with Labor Standards and Prevailing Wage Requirements must be submitted with each Certified Payroll Form. **Certified payrolls must be submitted on a weekly basis whether or not work was performed. If no work was performed, the contractor should note this on the payroll.** The Statement of Compliance appears on the



back of form WH-347 or as form WH-348 if WH-347 is not used. (Exhibit 6-E contains a sample Statement of Compliance (WH-348).)

3. The first week after work on the project begins the TSEP recipient's grant administrator should be supplied with the names of anyone (other than owner or officer) who is authorized to sign payrolls for each contractor (prime and sub).
4. The prime contractor must supply the TSEP recipient's grant administrator with the names of all subcontractors working on the project the first week after work begins, and the names of any new subcontractors immediately after they begin work on the project.
5. Subcontractors

### **Prevailing Wages**

Contractual relationships between contractors and alleged subcontractors (who perform mechanic's work) which are formed for the purpose of evading the application of prevailing wage requirements are expressly prohibited and may provide a basis for debarment. Where there is any doubt as to the bona-fide nature of a self-employed subcontractor (a sole proprietor or working partner) who has no other employees, the following should be checked. At the time the contract was executed:

- a) Did the subcontractor have a current, valid exemption from payment of workers' compensation and unemployment insurance from the Montana Department of Labor and Industry (MDLI)?
- b) Was the subcontractor registered with MDLI?
- c) Did the subcontractor have liability insurance in force or a subcontractor's bond?
- d) Did the subcontractor have a Federal Tax Identification Number issued and evidence of payment of self-employment tax?
- e) Did the subcontractor have a registered trade name, and a telephone listing, printed invoices, business cards, business permits or licenses, or public advertisements under that name?

Use of these criteria in conjunction with a signed contract containing the TSEP labor provisions between a contractor and each such subcontractor should be sufficient to establish that he or she was a bona-fide subcontractor



at the time the subcontract was executed. Such a subcontractor will submit payrolls indicating only that he/she is the owner or partner, the hours worked and the classification. The phrase "self-employed owner" shall be written under the name, address, and Social Security Number (See Column 1 on Form WH-347). Non-bona fide self-employed subcontractors must be carried as employees on the payroll of the contractor who engaged him/her, and must be paid the prevailing wage rate for the classification of work performed.

### **Workers' Compensation and Unemployment Insurance**

Sole proprietors or working members of a partnership are exempt from workers' compensation coverage. Those who are bona fide independent contractors can be exempted from paying workers' compensation or unemployment insurance on themselves. However, they must have first complied with the MDLI independent contractor exemption requirements. If individuals do not meet the MDLI requirements for exemption, they are considered employees rather than subcontractors and must have workers' compensation and unemployment insurance coverage. The burden of proof is on the general contractors to prove the independent contractor status.

#### **G. MONITORING AND SANCTIONS**

**The TSEP recipient's grant administrator is responsible for monitoring the construction project to assure compliance with all applicable labor and civil rights requirements.**

1. On-site inspections must be conducted periodically by the TSEP recipient's grant administrator to ensure that the required prevailing wages are posted.
2. Weekly payroll reports of the prime contractor and all subcontractors must be examined by the TSEP recipient's grant administrator to ensure compliance with state prevailing wage requirements.
3. At least once per month the TSEP recipient's grant administrator must conduct interviews with construction employees of the prime contractor and subcontractors. The interviews should be scheduled early into the first month of construction to assure initial compliance with labor standards, and on projects of a shorter duration, conducted midway towards completion. A representative of each classification of mechanic and laborer, and at least 10 percent of the work force should be interviewed during the term of the project. (Exhibit 6-F contains a sample Record of Employee Interview, and instructions for conducting employee interviews.)



4. Montana law provides that any contractor, subcontractor, or employer who pays an employee less than the required prevailing wage must pay the MDLI a penalty of up to 20% of the delinquent wages and fringe benefits plus court or attorney fees, and audit fees. They must also pay the employee the wages owed plus \$25 a day for each day the employee was underpaid. A contractor or subcontractor who is found by MDLI to have willfully violated the law can be barred from receiving public works contracts or subcontracts for a three-year period.



## EXHIBIT 6-D

### CONTRACTOR'S RECEIPT OF REQUIRED PROGRAM MATERIALS

(Local Government) \_\_\_\_\_  
(Project) \_\_\_\_\_

Preconstruction Meeting  
(Date) \_\_\_\_\_

On (date) \_\_\_\_\_, we, the undersigned, attended the preconstruction meeting for the (local government's) \_\_\_\_\_ (project) \_\_\_\_\_. At the meeting, we acknowledge receiving the following information:

1. Preconstruction Conference Planning Guide Supplement (Exhibit 6-C)
2. Weekly Payroll Report Form and Statement of Compliance Form and Contractor Payroll Instructions for Completing Weekly Payroll Reports Using Payroll Form WH-347 (Exhibit 6-E)
3. Prevailing Wage Compliance Terminology (Exhibit 6-G)
4. State (or Federal) Wage Determination, Decision # \_\_\_\_\_

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
Date



**U.S. Department of Labor**  
Employment Standards Administration  
Wage and Hour Division



Date \_\_\_\_\_

I, \_\_\_\_\_  
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

\_\_\_\_\_ on the  
(Contractor or Subcontractor)

\_\_\_\_\_ ; that during the payroll period commencing on the  
(Building or Work)

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and ending the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,  
all persons employed on said project have been paid the full weekly wages earned, that no rebates have  
been or will be made either directly or indirectly to or on behalf of said

\_\_\_\_\_ from the full  
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly  
from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part  
3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948,  
63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) That any payrolls otherwise under this contract required to be submitted for the above period are  
correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the  
applicable wage rates contained in any wage determination incorporated into the contract; that the  
classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide  
apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of  
Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a  
State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- ☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in  
the above referenced payroll, payments of fringe benefits as listed in the contract  
have been or will be made to appropriate programs for the benefit of such  
employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- ☐ — Each laborer or mechanic listed in the above referenced payroll has been paid,  
as indicated on the payroll, an amount not less than the sum of the applicable  
basic hourly wage rate plus the amount of the required fringe benefits as listed  
in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

REMARKS:	
----------	--

NAME AND TITLE	SIGNATURE
----------------	-----------

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR  
SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE  
31 OF THE UNITED STATES CODE.



☐ In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH (Bill Thomas)

☐ Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
Exceptions must be approved.	Use this space for any special
Send copy of plan.	or unusual circumstances which
	affects wages or employees.

#### Remarks

Additional space which can be used for explanations.

NON-COVERED JOB CLASSIFICATIONS: Workers performing the following classifications are not subject to the prevailing wage requirements - Project Superintendent, Project Engineer, Supervisory Foreman, Watchman, Waterboy, Messenger, and Clerical workers such as timekeepers, payroll clerks, and bookkeepers.

NAME AND TITLE	SIGNATURE
Samantha Simmons Bookkeeper ***	
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	

\*\*\* AN AUTHORIZATION FORM OR LETTER MUST BE SUBMITTED FOR ANYONE SIGNING PAYROLLS OTHER THAN AN OFFICER OF THE COMPANY.

6-E.5

Project Administration Manual

May 2009

Date \_\_\_\_\_

I, Samantha Simmons, \_\_\_\_\_ Bookkeeper \_\_\_\_\_ do hereby state:  
(Name of signatory party) (Title)

(1) That I pay or supervise the payment of the persons employed by Ace Construction  
Company \_\_\_\_\_ on the Happy Valley Manor  
(Contractor or Subcontractor) (Building of work)

101-35075; that during the payroll period commencing on the 28th day of  
June, 19 83, and ending the 4th day of July, 19 83, all persons  
employed on said project have been paid the full weekly wages earned, that no rebates have  
been or will be made either directly or indirectly to or on behalf of said Ace Construction  
Company \_\_\_\_\_ from the full weekly wages earned by any person and that  
(Contractor or Subcontractor)

no deductions have been made either directly or indirectly from the full wages earned by any  
person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle  
A), Issued by the Secretary of Labor under the Copeland Act as amended (48 Stat. 948, 63 Stat.  
108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. 276c), and described below:

FICA, Federal, and State

Other: Vacation and Insurance

BE SURE TO INCLUDE EXPLANATION AND SIGNED STATEMENT FOR ALL "OTHER"  
DEDUCTIONS.

(2) That any payrolls otherwise under this contract required to be submitted for the above  
period are correct and complete; that the wage rates for laborers or mechanics contained therein  
are not less than the applicable wage rates contained in any wage determination incorporated into  
the contract, that the classifications set forth therein for each laborer or mechanic conform with the  
work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide  
apprenticeship program registered with a State apprenticeship agency recognized by the Bureau  
of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency  
exists in a State, are registered with the Bureau of Apprenticeship and Training, United States  
Department of Labor.

(4) That:

John Johnson) (a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS,  
OR PROGRAMS

Montana Department of Commerce  
Treasure State Endowment Program



NAME OF CONTRACTOR <input checked="" type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>										ADDRESS										
ACES CONSTRUCTION COMPANY, INC.										1776 America Street; Anytown, Montana 59604										
PAYROLL NO #1 (Show # and FINAL at end)					FOR WEEK ENDING July 4, 1983					PROJECT AND LOCATION Happy Valley Manor - Anytown, MT 59604					PROJECT OR CONTRACT NO. 101-35075-PM-WAH-18					
(1) NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OF EMPLOYEE	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT. OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK
				S	M	T	W	TH	F	S				FICA	WITH- HOLDING TAX	STATE W / H	VAC FUND	* OTHER	TOTAL DEDUCTIONS	
				28	29	30	1	2	3	4										
				HOURS WORKED EACH DAY																
(2) John Doe 17086 1974 Clark Ave. Downtown, MT 59624	1	Foreman Carpenter **	O		2	2	1			1		6	10.95	** A working foreman is one who, in addition to his supervisory duties - at least 20% - performs the work of a laborer or mechanic during a substantial part of his work week.						
			S		8	8	8	8	8				40	7.30	357.70	15.18	53.60	8.00	10.00	
(3) Dick Brown 7806 Box 245 Anytown, MT 59601	2	3 cu. yd. Backhoe Operator	O																	
			S		8	8	8	8			8	40	6.00	240.00	10.00	45.00	5.00		Ins. 5.00	65.00
(4) John Doe 17086 Anywhere St. Downtown, MT 59624	0	10 cu. yd. Truck Driver	O	(WORKING ON MORE THAN ONE JOB; ONE JOB IS AN FHA PROJECT, STATE: "Circled hours this project")																
			S	4	6	8					18	6.45	116.10							
(5) Bill Thomas 1005 1050 Clearbridge St. Somewhere, MT 59011	1	Cement Mason	O	(FRINGE BENEFITS)																
			S		8	8	8			8	32	6.56	209.92	-- Fringe Benefits Paid in Cash						
(5) John Johnson 5478 515 Broadway Anytown, MT 59601	2	Cement Mason	O																	
			S		8	8	8			8	32	5.90	188.80	-- Fringe Benefits Paid Into an Approved Fund or Plan						
(6) Tom Tompson 5478 Box 1010 Hallelujah, MT 59903	2	Laborer	O	(DUAL CLASSIFICATION: Worker must be entered on payroll twice and sign by the lower rate of pay received.)																
			S		4	7		8			19	4.95	94.05							
(6) Tom Tompson 5478 Box 1010 Hallelujah, MT 59903		Cement Mason	O										123.90							
			S		4	1	8		8		21	5.90	217.95	10.80	15.90	5.80	10.00		42.50	175.45
(7) Harry Jamison 3372 Box 333 Friendly, MT 59526		(Owner) Tile Setter	O	(WORKING OWNER: Must show the daily and total hours worked on the site.)																
			S		8	8	8	8	8		40									
(8) Joe Smith 7537 730 - 3rd Street Anytown, MT 59601	0	Apprentice Carpenter 1st Step - 55%	O	(APPRENTICES: Apprenticeship Certificate Showing Dept of Labor Certification Must Be Submitted With the First Payroll The Apprentice Appears On.)																
			S		8	8		8	8		32	4.02	128.64	5.00	8.00	2.00			15.00	113.64

\*\*ALL DEDUCTIONS UNDER "OTHER" SUCH AS PURCHASES, ADVANCES, BONDS, ETC. MUST BE IDENTIFIED AND SUPPORTED BY A SIGNED STATEMENT FROM THE EMPLOYEE AUTHORIZING SUCH DEDUCTIONS WITH THE TOTAL AMOUNT AND REPAYMENT AMOUNT.



EXHIBIT 6-F

TREASURE STATE ENDOWMENT PROGRAM

PREVAILING WAGE EMPLOYEE INTERVIEW FORM

Project Name	Contractor or Subcontractor(Employer)
TSEP Recipient	

1. Name of Employee

2. Home Address and Zip Code

3. Last date you worked on project before today? Number of hours worked on project on that date?

4. Your hourly pay rate? \$

5. Your Job Classification(s)? Yes No  
Apprentice?

6. Your Duties?

7. Tools or Equipment Used?

8. Paid at least time and one-half for all hours worked in excess of 40 in a week? Yes No  
(If overtime premium pay is not required, enter "inapplicable")

9. Ever threatened, intimidated, or coerced into giving up any part of pay?

10. Duties observed by Interviewer Yes No  
Conform to Classification:

11. Remarks (continue on reverse if necessary)

12. Signature of Interviewer Date of Interview

**PAYROLL EXAMINATION**

13. Remarks (continue on reverse if necessary)

14. Signature of Payroll Examiner Date



## INSTRUCTIONS FOR CONDUCTING EMPLOYEE INTERVIEWS

- A. The foreman or construction supervisor should be notified in advance of the time of the employee prevailing wage interviews as a courtesy.
- B. The person performing interviews should be knowledgeable of prevailing wage procedures.
- C. Number of employees interviewed should be sufficient in number:
  - 1. to adequately test the accuracy of the payroll records (at least 10% of the total work force during the term of the project); and
  - 2. to provide a representative sample of all classifications of employees on the project (at least one employee for each job classification during the term of the project).
- D. Place of Interview could be:
  - 1. on the job site, if it can be conducted properly and privately (this is a one-on-one process);
  - 2. at the employee's home;
  - 3. at the local government agency's office; or
  - 4. by mail.
- E. The interviewer should observe the duties of the workers on the job site before initiating any interviews.
- F. To initiate the interview, the interviewer should:
  - 1. properly identify him/her/self;
  - 2. clearly state the purpose of interview; and
  - 3. advise the worker that the information given is confidential, and that their identity will be disclosed to the employer only with the employee's written permission.
- G. Employee interviews should be recorded in the TSEP Prevailing Wage Employee Interview Form. The interviewer should pay particular attention to:
  - the employer's actual name and not just the name of a first line supervisor;
  - the employee's full name (line 1);
  - the employee's permanent mailing address (line 2);
  - the last date the individual worked on the project and number of hours worked that day (line 3) (The interviewers should make it clear that these questions solely relate to work on this project and not other work.)
  - the hourly rate of pay (line 4);



- a. determine if the worker is being paid at least the minimum compensation required by the proper wage decision including health and welfare and pension;
    - b. be sure the worker is not quoting the "net" hourly rate; and
    - c. if it appears the individual may be underpaid, closely question the worker, ask for any records, and arrange to re-interview the employer.
  - the classification (line 5); (enter the worker's statement of his classification, but not a nickname for the trade.)
  - the duties and tools used (lines 6 and 7);  
If the worker's statements and the observation made by the interviewer indicate that this individual is performing under the correct job classification, the word "trade" may be entered across both items.
  - whether the employee has been paid properly for overtime hours worked (line 8);
  - whether the employee has been intimidated into giving up pay or into working for less than the prevailing wage rate (line 9);
  - actual duties interviewer observes worker performing during on-site visit (line 10);
  - any comments that seem necessary or pertinent in the "Remarks" space on line 11; and
  - the exact date the interview took place (line 12).
- I. The payroll examiner then will check the information on the TSEP Prevailing Wage Employee Interview Form, against the payroll submitted for the same date as the interview:
- 1. if no discrepancies appear the examiner can simply write "prevailing wage o-k" in the "Remarks" space on line 13;
  - 2. if discrepancies do appear, this should be noted and appropriate action should be initiated; and
  - 3. when necessary action has been completed, the results are also noted on the same interview form.
- J. The interviewer/payroll examiner will work with the contractor to correct any discrepancies between on-site interviews, payrolls, and wage decision. If the discrepancy is other than the result of bookkeeping errors and the payroll examiner is unable to satisfactorily resolve a discrepancy, he/she should contact the TSEP liaison and the Montana Department of Labor and Industry, Labor Standards Bureau.
- K. Failure of contractors to comply with labor standards may require payroll adjustments and could result in the imposition of penalties.



## Supplemental Instructions for Conducting Employee Interviews

These supplemental instructions are provided with the sample of a completed TSEP Prevailing Wage Employee Interview Form and pages from an actual general wage decision to aid your understanding of the interview process, and to illustrate how to find the appropriate wage rate based on the sample interview.

The sample employee interview form presents an interview of a worker on a TSEP-assisted water distribution line replacement contract in a hypothetical Montana community, called Sunrise, Montana. In using the form, the interviewer (the grantee's labor standards officer) completed the information on lines #1 through #12 on the day of the interview, which was August 4, 1987. When the weekly payroll report #4, which covered the day of the interview, was received from XYZ Construction Company, the interviewer compared the contractor's payroll information with the information given by the employee, Jack Hammer. The payroll report showed this employee was paid \$12.11/hour base rate and \$3.15/hour fringe benefit as a laborer/pipelayer. The interviewer, after finding the wage rates matched those provided in the construction contract, then showed this as verified in the remarks section (#13) and signed and dated the form (#14).

To determine if this was the appropriate wages paid by the contractor to this employee, the following steps were used to find the prevailing wage rate for a laborer/pipelayer:

1. Determine the applicable job classification;  
(e.g., laborer/pipelayer as given by the employee and by observation of his duties)
2. Locate the Wage Rate Decision in your construction contract;
3. Locate on this decision the "basic" job classification;  
(e.g., Laborers)
4. Determine which "group" of laborers is appropriate;  
(e.g., pipelayer)
5. Determine which "zone" of laborers is appropriate; and
6. Locate the appropriate wage rate for this classification.  
(e.g., For **Group 2/Zone 2**, \$12.11 for base rate and \$3.15 for fringe benefit)



## EXHIBIT 6-G

### PREVAILING WAGE COMPLIANCE TERMINOLOGY

**Apprentice** - a person employed and individually registered in a bona fide apprenticeship program registered with the United States Department of Labor, Employment and Training administration, Bureau of Apprenticeship and Training or with a State apprenticeship agency recognized by that Bureau or

**Basic Rate** - For overtime pay purposes, the basic rate is the greater of:

- (1) the contract minimum rate (base rate of pay plus zone pay);
- (2) the minimum prevailing wage rate under Section 18-2-401, MCA, or
- (3) the rate actually being paid.

**Bona fide Montana Resident** - an individual who, at the time of employment and immediately prior to the time of employment, has lived in this state in a manner and for a time that is sufficient to clearly justify the conclusion that the individual's past habitation in this state has been coupled with an intention to make this state the individual's home. Individuals who come to Montana solely in pursuance of a contract or an agreement to perform labor may not be considered to be bona fide Montana residents (from section 18-2-401, MCA).

**Building or Work** - These terms generally include construction activity as distinguished from manufacturing, furnishing of materials or servicing and maintenance work. The terms include, without limitation, buildings, structures and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, powerlines, pumping stations, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, dredging, shoring, scaffolding, drilling, blasting, excavating, clearing and landscaping.

**Construction Services** - Work performed by an individual in building construction, heavy construction, highway construction, and remodeling work. The term does not include engineering, superintendence, management, office, or clerical works contract or consulting contracts, contracts with commercial suppliers for goods and supplies, or professionals licensed under state law.

**Contract** - any prime contract which is subject wholly or in part to the prevailing wage provisions of Sections 18-2-401 through 18-2-432, MCA, and any subcontract of any tier thereunder, let under the prime contract.

**Contractor** - Any individual, general contractor, subcontractor, firm, association, partnership corporation, limited liability partnership or limited liability company engaged in construction



services that holds a TSEP-assisted construction contract or subcontract regardless of tier. A state or local government is not regarded as a contractor in situations where construction is performed by its own employees.

**District** - a prevailing wage rate district established as provided in 18-2-411, MCA.

**Days** - Calendar days.

**Deduction** - any sum of money which the contractor, or someone else in the chain of payment responsibility, withholds from the wages due an employee.

**Discrimination** - A distinction in treatment based on race, color, religion, handicap, marital status, age, sex or national origin.

**Equal Employment Opportunity** - The absence of partiality or distinction in employment treatment, so that the rights of all persons to work and advance on the basis of merit, ability and potential is maintained.

**Fringe Benefits** – health, welfare, and pension contributions that meet the requirements of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et. seq., and other bona fide programs approved by the U.S. department of labor.

**Independent Contractor** - For Montana workers' compensation purposes, a contractor who:

- (1) is free from control and direction (both under the terms of the written contract or supported by the facts); and
- (2) has an independently established trade, occupation, business or profession.

Contractors must meet both tests to qualify as an independent contractor.

**Laborer or Mechanic** - includes at least those workers whose duties are manual or physical in nature (including those workers who use tools or who are performing the work of a trade), as distinguished from mental or managerial. The term "laborer" or "mechanic" includes apprentices, or trainees. The term does not apply to workers whose duties are primarily administrative, executive or clerical, rather than manual. Working foremen who devote more than 20 percent of their time during a work week to mechanic or laborer duties, are considered laborers and mechanics for the time spent on such duties.

**Materials Supplier** - A vendor engaged in sales to the public from an established place of



business or source of supply.

**MDOC** - Montana Department of Commerce.

**MDLI** - Montana Department of Labor and Industry.

**Nonhauling Equipment Owner-Operators** - Owner-operators of nonhauling equipment (in general, equipment other than trucks) are considered to be employees, not subcontractors, and are covered by prevailing wage rate decisions.

**Project Location** – The construction site where a public works project involving construction services is being built, installed, or otherwise improved or reclaimed, as specified on the project plans and specifications.

**Public Works Contract** – A contract for construction services in which the total cost of the contract is in excess of \$25,000.

**Site of Work** – In March 1998, The State's Attorney General issued Opinion No. 12. The opinion held "The prevailing wage requirements in 18-2-403(2)(b) apply to fabrication of materials performed off-site by a contractor for installation or use at the site of construction under a public works contract. The prevailing wage district with respect to such off-site services is the district where the on-site construction occurs."

In general, the "site of the work" is the physical place or places where the construction called for in the contract will remain when work on it has been completed and other adjacent or nearby property used by the contractor or subcontractor in such construction which can reasonably be said to be included in the "site".

Not included in the "site of the work" are permanent home offices, branch plant establishments, and tool yards of a contractor or subcontractor whose locations and continuance in operation are determined wholly without regard to a particular project. Fabrication plants of a contractor or subcontractor are not included in the "site of the work," if the materials fabricated at the plant for the project are materials that are normally produced by the contractor or subcontractor as a commercial supplier. In addition, fabrication plants, batch plants, borrow pits, job headquarters, tool yards, etc., of a commercial supplier which are established by a supplier of materials for the project before opening of bids and not on the project site, are not included in the "site of the work." Such permanent, previously established facilities are not a part of the "site of the work," even where the operations for a period of time may be dedicated exclusively, or nearly so, to the performance of a contract.

**Special Circumstances** – All work performed at a facility that is built or developed for a specific Montana public works project and that is located in a prevailing wage district that



contains the project location or that is located in a contiguous prevailing wage district.

**Standard Prevailing Rate of Wages for Heavy Construction Services and for Highway Construction Services** - wage rates, including fringe benefits plus zone pay and travel allowances that are determined and established statewide for heavy construction projects and highway construction projects. The department may define by rule the terms heavy construction projects and highway construction projects. The definitions of heavy construction projects and highway construction projects must include but are not limited to projects the same as or similar to the construction, alteration, or repair of roads, streets, highways, alleys, runways, airport runways and ramps, dams, powerhouses, canals, channels, pipelines, parking areas, utility rights-of-way, staging yards located on or off the right-of-way, or new or reopened pits that produce aggregate, asphalt, concrete, or backfill when the pit does not normally sell to the general public.

**Subcontractor** - An individual or organization under contract with the prime contractor or another subcontractor to perform a portion of the work.

**Supplemental Payroll** - An additional payroll used to correct a deficiency or omission on a certified payroll.

**Suppliers** - Contracts or subcontracts for furnishing supplies and equipment, including installation where the installation requires only an incidental amount of work are not covered by wage rate decisions.

**Trainee** - means a person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training, as meeting its standards for on-the-job training programs and which has been so certified by that Bureau.

**Truck Drivers Owner-Operators** - Truck owner-operators are not subject to the state prevailing wage rates prescribed by the MDLI. Such owner-operators shall be listed on payrolls with the notation "owner-operator" after each name. Neither hours worked nor wages paid need be shown.

**TSEP** - Treasure State Endowment Program, administered by the MDOC

**Wage Determination** - the original prevailing wage decision and any subsequent decisions modifying, superseding, correcting, or otherwise changing the provisions of the original



decision.

**Wages** - the basic hourly rate of pay, any contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a bona fide fringe benefit fund, plan or program, and the rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing bona fide fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program, which was communicated in writing to the laborers and mechanics affected.

**Work of a Similar Character** - work on private commercial projects as well as work on public projects (from Section 18-2-401, MCA).



**EXHIBIT "B"**  
**ADDENDUM #2 – FEDERAL DAVIS BACON WAGE RATES**





151 Business Center Loop, Suite A ■ Kalispell, MT 59901 ■ P) 406.756.4848 ■ F) 406.756.4849

*Civil Engineering Services*

**PROJECT:** Bigfork Stormwater Project – Grand Drive Improvements

**OWNER:** Flathead County  
800 South Main Street  
Kalispell, Montana 59901

**ENGINEER:** 48 North Civil Engineering  
151 Business Center Loop, Suite A  
Kalispell, MT 59901  
406.756.4848  
406.756.4849 fax

**DATE:** August 27, 2010

**TO:** All holders of drawings and specifications for:  
**Bigfork Stormwater Project – Grand Drive Improvements**

**SUBJECT:** Addendum Two (Containing 1 item)

This addendum modifies the Plans and Contract Documents dated August 25, 2010 and shall become part of the Plans and Contract Documents taken into account in the preparation of bids. **Acknowledge receipt of this Addendum in the space provided on the Bid Form.** Failure to do so may subject the Bidder to disqualification.

**PROJECT MANUAL & CONTRACT DOCUMENTS, SECTION VI, (FEDERAL PREVAILING WAGE UPDATE):**

1. This addendum replaces the federal Davis-Bacon wage rates originally published in the Project Manual and Contract Documents. Modified wage rates for Montana, Heavy Construction, Flathead County were published in the Federal Register as of August 27, 2010. Prospective bidders shall use the attached wage rates in the preparation of bids.



GENERAL DECISION: MT20100001 08/27/2010 MT1

Date: August 27, 2010

General Decision Number: MT20100001 08/27/2010

Superseded General Decision Number: MT20080001

State: Montana

Construction Type: Heavy

Counties: Montana Statewide.

HEAVY CONSTRUCTION PROJECTS

ZONE DEFINITIONS

CARPENTERS, \*CEMENT MASONS, LABORERS, AND TRUCK DRIVERS

The zone hourly rates applicable to each project shall be determined by measuring the road miles over the shortest practical maintained route from the nearest County Court House of the following listed towns to the center of the job:

BILLINGS, BOZEMAN, BUTTE, GREAT FALLS, HAVRE, HELENA, KALISPELL, LEWISTOWN, MILES CITY, MISSOULA

Zone 1: 0 to 30 miles - Base Pay

Zone 2: 30 to 60 miles - Base Pay + \$2.95

Zone 3: Over 60 miles - Base Pay + \$4.70

\*CEMENT MASONS ZONES: The above cities plus DILLON, GLASGOW, GLENDIVE, SIDNEY

Modification Number	Publication Date
0	03/12/2010
1	04/09/2010
2	05/21/2010
3	06/04/2010
4	06/11/2010
5	07/16/2010
6	07/30/2010
7	08/13/2010
8	08/27/2010

CARP0028-002 05/01/2009

	Rates	Fringes
Carpenters: (Zone 1)		
Carpenter & Pilebuck.....	\$ 23.25	8.90
MILLWRIGHT.....	\$ 27.25	8.90

CARP0028-004 06/01/2006

	Rates	Fringes
Diver Tender.....	\$ 27.27	7.80



Diver.....\$ 56.54 7.80

DEPTH PAY (Surface Diving)

050 to 100 feet \$2.00 per foot  
101 to 150 feet \$3.00 per foot  
151 to 220 feet \$4.00 per foot  
221 ft & deeper \$5.00

-----  
ELEC0044-001 06/01/2010

Rates Fringes

Line Construction

(1) Lineman.....\$ 37.73 4.75%+10.61  
(2) Equipment Operator.....\$ 25.13 10.95  
(3) Experienced Groundman...\$ 20.27 10.33

-----  
ELEC0233-001 08/01/2009

Blaine, Broadwater, Cascade, Chouteau, Fergus, Glacier, Hill,  
Judith Basin, Lewis & Clark, Liberty, Meagher, Petroleum,  
Phillips, Pondera, Teton, Valley, and Wheatland Counties

Rates Fringes

ELECTRICIAN.....\$ 27.96 4.75%+9.36

-----  
ELEC0233-002 08/01/2009

BEAVERHEAD, DEER LODGE, GRANITE, JEFFERSON, MADISON, POWELL, AND  
SILVER BOW COUNTIES

Rates Fringes

ELECTRICIAN.....\$ 26.10 4.75%+10.80

-----  
ELEC0532-001 06/01/2010

GALLATIN, PARK, AND SWEET GRASS COUNTIES

Rates Fringes

ELECTRICIAN.....\$ 26.61 10.27

-----  
\* ELEC0532-003 06/01/2010

BIG HORN, CARBON, CARTER, CUSTER, DANIELS, DAWSON, FALLON,  
GARFIELD, GOLDEN VALLEY, McCONE, MUSSELSHELL, POWDER RIVER,  
PRAIRIE, RICHLAND, ROOSEVELT, ROSEBUD, SHERIDAN, STILLWATER,  
TREASURE, WIBAUX AND YELLOWSTONE COUNTIES

Rates Fringes

ELECTRICIAN.....\$ 29.38 1.75%+8.39

-----  
ELEC0768-001 06/01/2009

FLATHEAD, LAKE, LINCOLN, MINERAL, MISSOULA, RAVALLI, AND  
SANDERS COUNTIES



	Rates	Fringes
ELECTRICIAN.....	\$ 27.02	10.37
-----		
ENGI0400-001 05/01/2009		

	Rates	Fringes
Power Equipment Operator (Zone 1)		
Group 1.....	\$ 23.47	9.50
Group 2.....	\$ 23.94	9.50
Group 3.....	\$ 24.34	9.50
Group 4.....	\$ 25.00	9.50
Group 5.....	\$ 25.50	9.50
Group 6.....	\$ 26.60	9.50
Group 7.....	\$ 27.10	9.50

#### ZONE DEFINITIONS FOR POWER EQUIPMENT OPERATORS:

The zone hourly rates applicable to each project shall be determined by measuring the road miles over the shortest practical maintained route from the nearest County Court House of the following listed towns to the center of the job:

BILLINGS, BOZEMAN, BUTTE, GREAT FALLS, HELENA, KALISPELL, MISSOULA

Zone 1: 0 to 30 miles - Base Pay  
 Zone 2: 30 to 60 miles - Base Pay + \$3.50  
 Zone 3: Over 60 miles - Base Pay + \$5.50

#### POWER EQUIPMENT OPERATORS CLASSIFICATIONS

GROUP 1: Air Compressor; Auto Fine Grader; Belt Finishing Machine; Boring Machine, small; Cement Silo; Crane, A-Frame Truck Crane; Crusher Conveyor; DW-10, 15, and 20 Tractor Roller; Farm Tractor; Forklift; Form Grader; Front-end Loader under 1 cu yd; Heavy Duty Drills; Herman Nelson Heater; Mulching Machine; Oiler, all except Cranes. & Shovels; Pumpman.

GROUP 2: Air Doctor; Backhoe/Excavator/Shovel to and including 3 cu yd; Bit Grinder; Bituminous Paving Travel Plant; Boring Machine, large; Broom, self-propelled; Concrete Travel Batcher; Concrete Float & Spreader; Concrete Bucket Dispatcher; Concrete Finish Machine; Concrete Conveyor; Distributor; Dozer, Rubber-Tired, Push & Side Boom; Elevating Grader/Gradall; Field Equipment Serviceman; Front-end Loader 1 cu yd to including 5 cu yd; Grade Setter; Heavy Duty Drills, all types; Hoist/Tugger, all; Hydralift & similar; Industrial Locomotive; Motor Patrol, except Finish; Mountain Skidder; Oiler - Cranes & Shovels; Pavement Breaker, EMSCO; Power Saw, self-propelled; Pugmill; Pumpcrete/Grout Machine; Punch Truck; Roller, other than Asphalt; Roller, Sheepsfoot, self-propelled; Roller, 25 tons and over; Ross Carrier; Rotomill under 6 ft; Trenching Machine; Washing/Screening Plant.

GROUP 3: Asphalt Paving Machine; Asphalt Screed;



Backhoe/Excavator/Shovel over 3 cu yd; Cableway Highline; Concrete Batch Plant; Concrete Curing Machine; Concrete Pump; Cranes, Creter; Cranes, Electric Overhead; Cranes, 24 tons and under; Curb Machine/Slip Form Paver; Finish Dozer; Front-end Loader over 5 cu yd; Mechanic/Welder; Pioneer Dozer; Roller, Asphalt (Breakdown & Finish); Rotomill, over 6 ft; Scraper, single, twin, or pulling Belly Dump; Yo-Yo Cat.

GROUP 4: Asphalt/Hot Plant Operator; Cranes, 25 tons to 44 tons; Crusher Operator; Finish Motor Patrol; Finish Scraper.

GROUP 5: Cranes, 45 tons to including 74 tons;

GROUP 6: Cranes, 75 tons to including 149 tons; Crane, Whirley (all).

GROUP 7: Cranes, 150 tons to including 250 tons (add \$1.00 for every 100 tons over 250 tons); Crane, Stiff-Leg or Derrick; Helicopter Hoist; Crane, Tower (all).

-----  
IRON0014-002 07/01/2009

FLATHEAD, GLACIER, LAKE, LINCOLN, MINERAL, MISSOULA, AND SANDERS COUNTIES

	Rates	Fringes
IRONWORKER.....	\$ 25.34	16.58

-----  
IRON0732-009 06/01/2010

REMAINING COUNTIES

	Rates	Fringes
IRONWORKER.....	\$ 25.57	17.21

-----  
LABO1686-001 05/01/2008

	Rates	Fringes
LABORER (Zone 1)		
Group 1.....	\$ 17.14	6.72
Group 2.....	\$ 20.10	6.72
Group 3.....	\$ 20.24	6.72
Group 4.....	\$ 21.00	6.72

LABORER CLASSIFICATIONS

GROUP 1: Flagperson

GROUP 2: All General Labor work; Burning Bar; Bucket man; Carpenter Tender; Caisson Worker; Cement Mason Tender; Cement Handler (dry); Chuck Tender; Choker Setter; Concrete worker; Curb Machine-Lay Down; Crusher and Batch worker; Fence Erector; Form Setter; Form Stripper; Heater Tender; Landscaper; Pipe Wrapper; Pot Tender; Powderman Tender; Rail and Truck Loaders and Unloaders; Riprapper; Sealants for concrete and other materials; Sign Erection, Guard Rail



and Jersey Rail; Stake Jumper; Spike Driver; Signalman; Tail Hoseman; Tool Checker and Houseman; Traffic Control worker.

GROUP 3: Concrete Vibrator; Dumpman (Grademan); Equipment Handler; Geotextile and Liners; High-Pressure Nozzleman; Jackhammer (Pavement Breaker); Laser Equipment; Non-Riding Rollers; Pipelayer; Posthole Digger (Power); Power Driven Wheelbarrow; Rigger; Sandblaster; Sod Cutter-Power.

GROUP 4: Asphalt Raker; Cutting Torch; Grade Setter; High-Scaler; Power Saws (Faller & Concrete); Powderman (\$1.00 per hour above Group 4 rate); Rock & Core Drill; Track or Truck mounted Wagon Drill; Welder including Air Arc

-----  
PAIN0260-001 07/01/2002

BLAINE, BROADWATER, CASCADE, CHOUTEAU, DANIELS, FERGUS, GARFIELD, GLACIER, GRANITE (South of a line running East & West through the Southern city limits of Phillipsburg), HILL, JEFFERSON, JUDITH BASIN, LEWIS AND CLARK, LIBERTY, McCONE, MEAGHER, PETROLEUM, PHILLIPS, PONDERA, POWELL (South of a line running East & West through the Southern City limits of Helmsville), RICHLAND, ROOSEVELT, SHERIDAN, TETON, TOOLE, VALLEY, AND WHEATLAND COUNTIES

	Rates	Fringes
PAINTER.....	\$ 13.85	1%+3.45

-----  
PAIN0260-002 07/01/2002

FLATHEAD, GRANITE (North of a line running East & West through the Southern city limits of Phillipsburg), LAKE, LINCOLN, MINERAL, MISSOULA, POWELL (North of a line running East & West through the Southern city limits of Helmsville), RAVALLI, AND SANDERS COUNTIES

	Rates	Fringes
PAINTER.....	\$ 16.85	1%+3.45

-----  
PAIN1922-001 06/01/2009

BEAVERHEAD, BIG HORN, CARBON, CARTER, CUSTER, DAWSON, DEER LODGE, FALLON, GALLATIN, GOLDEN VALLEY, JEFFERSON, MADISON, MUSSELSHELL, PARK, POWDER RIVER, PRAIRIE, ROSEBUD, SILVER BOW, STILLWATER, SWEET GRASS, TREASURE, WIBAUX, AND YELLOWSTONE COUNTIES

	Rates	Fringes
PAINTER (Industrial, includes industrial plants, tanks, pipes, bridges).....	\$ 21.00	0.00

-----  
PLAS0119-001 05/01/2008

STATEWIDE (except Deer Lodge, Jefferson, Powell, and Silver Bow Counties)



	Rates	Fringes
Cement Masons: (Zone 1)		
Area 1.....	\$ 18.83	6.96
Area 2.....	\$ 20.24	6.86
AREA 1: STATEWIDE (except Deer Lodge, Jefferson, Powell, and Silver Bow Counties)		
AREA 2: DEER LODGE, JEFFERSON, POWELL, AND SILVER BOW COUNTIES		

-----  
 PLUM0030-003 09/01/2009

BIGHORN, BLAINE, CARBON, CARTER, CASCADE, CHOUTEAU, CUSTER, DANIELS, DAWSON, FALLON, FERGUS, GARFIELD, GOLDEN VALLEY, HILL, JUDITH BASIN, LIBERTY, McCONE, MEAGHER, MUSSELSHELL, PETROLEUM, PHILLIPS, PONDERA, POWDER RIVER, PRAIRIE. RICHLAND, ROOSEVELT, ROSEBUD, SHERIDAN, STILLWATER, TETON, TOOLE, TREASURE, VALLEY, WHEATLAND, WIBAUX AND YELLOWSTONE COUNTIES

	Rates	Fringes
PLUMBER		
Commercial.....	\$ 28.25	13.40
Industrial - Power		
Generating Plants.....	\$ 30.60	13.40

-----  
 PLUM0041-001 07/01/2010

BEAVERHEAD, BROADWATER, DEER LODGE, GALLATIN, GRANITE, JEFFERSON, LEWIS AND CLARK, MADISON, PARK, POWELL, SILVER BOW, AND SWEET GRASS COUNTIES

	Rates	Fringes
PLUMBER.....	\$ 28.25	13.05

-----  
 PLUM0459-001 05/01/2010

FLATHEAD, GLACIER, LAKE, LINCOLN, MINERAL, MISSOULA, RAVALLI, AND SANDERS

	Rates	Fringes
PLUMBER.....	\$ 27.51	12.08

-----  
 TEAM0002-001 05/01/2008

	Rates	Fringes
Truck drivers: (Zone 1)		
Group 1.....	\$ 14.14	5.92
Group 2.....	\$ 18.84	5.92

TRUCK DRIVERS CLASSIFICATIONS:

GROUP 1: Pilot Car



GROUP 2: All Combination Trucks and Concrete Mixers; Distributor Driver; All Dry Batch Trucks; Dumpman, Gravel Spreader Box Operator; All Dump Trucks and similar equipment including DW 20, DW 21, or Euclid Tractor; Dumpsters; Flat Trucks; Servicemen; Lowboys, Four-Wheel Trailers; Float Semi-Trailer; Lumber Carriers, Lift Trucks & Fork Lifts; Pick-up Driver hauling material; Powder Truck (Bulk Unloader type); Power Boom; Service Truck Drivers, Fuel Truck Drivers, Tiremen; All Water Tank Drivers; Petroleum Products Drivers; Trucks with Power Equipment such as Winch, A-Frame Truck, Crane, Hydralift, Gout-Crete Truck, and Combination Mulching, Seeding & Fertilizing Truck; Truck Mechanic

---

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.

---

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

---

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be prevailing.

---

#### WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- \* an existing published wage determination
- \* a survey underlying a wage determination
- \* a Wage and Hour Division letter setting forth a position on a wage determination matter
- \* a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations  
Wage and Hour Division  
U.S. Department of Labor



200 Constitution Avenue, N.W.  
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

=====

END OF GENERAL DECISION



**EXHIBIT "C"**  
**PLANNED CONSTRUCTION AREA**

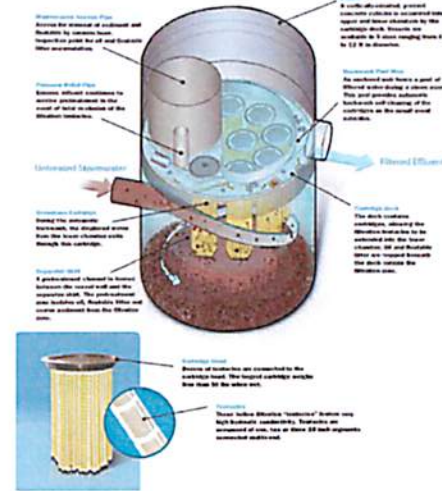


# BIGFORK STORMWATER PROJECT GRAND DRIVE IMPROVEMENTS

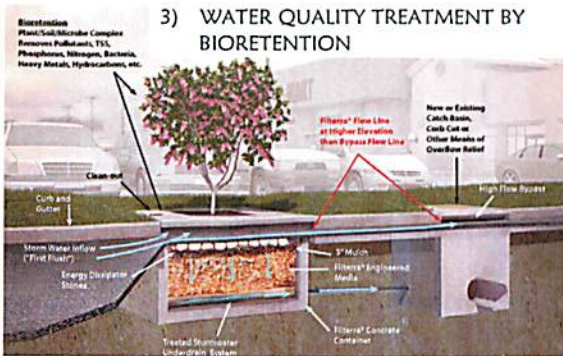
## 1) WATER QUALITY TREATMENT BY HYDRODYNAMIC SEPARATION



## 2) WATER QUALITY TREATMENT BY CARTRIDGE FILTRATION



## 3) WATER QUALITY TREATMENT BY BIORETENTION



## AERIAL OVERVIEW



## LEGEND



## ANTICIPATED CONSTRUCTION TIMELINE

**FALL CONSTRUCTION**  
START: OCTOBER 4, 2010  
END: NOVEMBER 12, 2010  
DURATION: 40 DAYS

**WINTER SHUTDOWN**

**SPRING CONSTRUCTION**  
START: APRIL 4, 2011  
END: MAY 13, 2011  
DURATION: 40 DAYS

CONTRACT TIME 80 DAYS

## BIGFORK STORMWATER PROJECT PLANNED CONSTRUCTION GRAND DRIVE IMPROVEMENTS

DRAWING SET DATE	11/10/10
REVIEWS	11/10/10
W. Date	Proposed By: Check
DESIGN	08/06/10

PROJECT NUMBER	
SHEET TITLE	PAGE
DRAWN BY	

SHEET NO. **EX** OF 1

COMMERCIAL UNITS EQUIVALENT TO THOSE DEPICTED MAY BE UTILIZED IN THE PROJECT.



**EXHIBIT "D"**  
**LETTER TO BUSINESS OWNERS AND RESIDENTS**



*Flathead County*  
**Board of Commissioners**  
(406) 758-5503

James. R. Dupont  
Pamela J. Holmquist  
Dale W. Lauman



Dear Business Owner or Resident,

The stormwater upgrade on Grand Drive is scheduled to begin in the spring of 2011, with certain portions of the work potentially beginning as early as the end of February. Flathead County signed a contract on November 16, 2010, with Nelcon Inc, of Kalispell, to perform this work. The contract states an 80-day completion date, however the construction activity and actual days required to complete the project are anticipated to be considerably less barring poor weather or other unexpected problems. The limits of construction will include Grand Drive from the entrance of Marina Cay eastward to the corner with Electric Avenue.

We are optimistic that construction can be completed with minimal disruption. Please note the following:

- An informational preconstruction meeting will be held Wednesday, February 16th at 1:00 pm at the Grand Drive construction site located on the north side of Grand Drive and Lake Avenue, Bigfork Montana.
- Signs will be posted at both Grand Drive and along Bridge Street informing the public that Grand Drive will periodically be limited to one lane of traffic for safety and commerce. Signs will provide contact phone numbers and assure the public all businesses are open and accessible.
- In order to optimize work zone safety and road user mobility, the Contractor is providing a Traffic Control Plan. The objective of this plan is to maintain one lane travel access during the greater majority of the project. It should be anticipated that if a temporary lane closure is required, that either the duration of the closure will be limited (ranging from 4-6 hours in duration) or alternate traffic routing will be provided.
- Construction schedule will be posted on the website ([www.bigforksteering.org/Stormwater](http://www.bigforksteering.org/Stormwater)) with a 24 hour telephone line and other contact information. A community volunteer (Mark Langlois) will walk the project daily to check in with business owners. There will also be information posted with the Bigfork Chamber of Commerce. You may also contact: 48 North Engineering - 756-4848 (Brett Walcheck), BSAC Chairman (Sue Hanson) - 837-5323 or [bttrfly@montanasky.net](mailto:bttrfly@montanasky.net), Flathead County Commissioner Pam Holmquist - 758-5508, or Flathead Road Dept. (Dave Prunty) 758-5790.
- Funding for this project's design and construction has been obtained through grants from Department of Environmental Quality (DEQ), Treasure State Endowment Program (TSEP), Department of Natural Resources (DNRC) (Conservation & Resources Development Division), DNRC Forestry/USFS, and in-kind donations.
- The water quality components of the Stormwater Systems are designed to treat the Water Quality Rainfall event, which accounts for more than 80% of the typical annual runoff volume. These components significantly reduce the amount of sediment, and other harmful pollutants damaging Bigfork Bay and Flathead Lake.
- Final road chip seal on Grand Drive is anticipated to be completed after August 7, 2011 by the Flathead County Road Department.
- Grant funding has been requested to fund design for the remainder of the downtown project, which includes Electric Ave., River St., Bridge Street North and South.
- In spring/early summer, Flathead County Road Dept. will install some drainage improvements from the corner at Western States Insurance east to help reduce the flooding problems in that area until the Stormwater Project can be completed on that phase of the Project.
- Grant funding cannot adequately complete the entire project in a timely and efficient manner. Public funding will be required at some point through a Rural Special Improvement District (RSID) or other public funding mechanism.

Please feel free to contact any member of the Committee or 48 North Engineers (contact info. above) if you have any questions or concerns.

Sincerely,

---

Pam Holmquist  
Flathead County Board of Commissioners

800 Main Street\*\*Kalispell

